

CITY OF ROSENBERG

REGULAR COUNCIL MEETING MINUTES

On this the 5th day of August, 2014, the City Council of the City of Rosenberg, Fort Bend County, Texas, met in a Regular Session, in the Rosenberg City Hall Council Chamber, located at 2110 4th Street, Rosenberg, Texas.

PRESENT

Vincent M. Morales, Jr.	Mayor
William Benton	Councilor at Large, Position 1
Cynthia McConathy	Councilor at Large, Position 2
Jimmie J. Pena	Councilor, District 1
Susan Euton	Councilor, District 2
Amanda Bolf	Councilor, District 4

ABSENT

Dwayne Grigar	Councilor, District 3
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STAFF PRESENT

Robert Gracia	City Manager
Linda Cernosek	City Secretary
Scott Tschirhart	Attorney for the City
John Maresh	Assistant City Manager for Public Services
Jeff Trinker	Executive Director of Support Services
Joyce Vasut	Executive Director of Administrative Services
Lisa Olmeda	Human Resources Director
Charles Kalkomey	City Engineer
Dallis Warren	Police Chief
Wade Goates	Fire Chief
Travis Tanner	Executive Director of Community Development
Darren McCarthy	Parks and Recreation Director
Lydia Acosta	Recreation Programs Coordinator
Randall Malik	Economic Development Director
Angela Fritz	Communications Director
James Lewis	Information Services Manager
Kaye Supak	Executive Assistant
Tommy Havelka	Police Department
John Johnson	Police Department

The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed below, as authorized by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER.

Mayor Morales called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE.

Pastor Rodrick Perkins, The Place Church, Rosenberg gave the invocation and led the pledge of allegiance to the flag.

PRESENTATION OF CERTIFICATE OF RECOGNITION TO OFFICER RAMON MORALES, CITY OF RICHMOND, FOR THE UNSUNG HERO AWARD.

Mayor Morales presented a Certificate of Recognition to Officer Ramon Morales, City of Richmond, for the Unsung Hero Award. Sergio Villagomez presented an Unsung Hero Award from the City of Rosenberg's Image Committee.

PRESENTATION OR ROSENBERG IMAGE COMMITTEE BEAUTIFICATION AND RENOVATION AWARDS.

Mayor Morales and Councilor Benton presented Image Committee Beautification and Renovation Awards to:

Present:

- | | |
|------------------------------|------------------------|
| ➤ Walter and Valerie Hawkins | 506 Summer Mist Lane |
| ➤ John and Terrie Thomas | 1311 Parker Bluff Lane |

Absent:

- Jamie and Rebecca Rubio
- Mike and Bobann Weatherly

1508 Ward Street
5518 Walnut Glen Lane

GENERAL COMMENTS FROM THE AUDIENCE.

Citizens who desire to address the City Council with comments of a general nature will be received at this time. Each speaker is limited to three (3) minutes. In accordance with the Texas Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

Robert Oberhoff, 805 Brooks Street, Rosenberg, Texas addressed Council regarding several items.

COMMENTS FROM THE AUDIENCE FOR CONSENT AND REGULAR AGENDA ITEMS.

Citizens who desire to address the City Council with regard to matters on the Consent Agenda or Regular Agenda will be received at the time the item is considered. Each speaker is limited to three (3) minutes. Comments or discussion by the City Council Members will only be made at the time the agenda item is scheduled for consideration. It is our policy to have all speakers identify themselves by providing their name and residential address when making comments.

CONSENT AGENDA

1. REVIEW OF CONSENT AGENDA.

All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of Consent Agenda items unless a City Council Member has requested that the item be discussed, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

- A. **CONSIDERATION OF AND ACTION ON WORKSHOP MEETING MINUTES FOR JUNE 24, 2014, SPECIAL MEETING MINUTES FOR JUNE 30, 2014, REGULAR MEETING MINUTES FOR JULY 01, 2014, REGULAR MEETING MINUTES FOR JULY 15, 2014, AND WORKSHOP MEETING MINUTES FOR JULY 22, 2014.**

- B. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1828, A RESOLUTION OF SUPPORT FOR THE TEXAS STATE TECHNICAL COLLEGE - ROSENBERG CAMPUS.**
Executive Summary: Texas State Technical College is working with the George and Henderson-Wessendorff Foundations on building a new campus for Texas State Technical College. This Resolution assures Texas State Technical College (TSTC) that the City of Rosenberg would support a TSTC Campus in Rosenberg.

Staff recommends approval of Resolution No. R-1828 as presented.

- C. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1822, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT, FOR AND ON BEHALF OF THE CITY, A DRAINAGE EASEMENT BETWEEN THE CITY OF ROSENBERG AND TPJ BEARING, LLC, FOR DRAINAGE FACILITIES TO BE CONSTRUCTED BY THE CITY, GENERALLY LOCATED WEST OF BAMORE ROAD AND ASSOCIATED WITH THE CENTERPOINT LATERAL IMPROVEMENTS PROJECT. (MARESH)**
Executive Summary: In order to complete the final phase of the Bamore Road Improvement Project, easements are required to accommodate the construction of an extension of the existing CenterPoint Lateral Drainage Channel. This channel provides the drainage outfall for the improvements to Bamore Road, and drains to Seabourne Creek. A drainage easement has been negotiated with the property owners TPJ Bearing, LLC for this final phase of Bamore Road Improvements.

Staff recommends approval of Resolution No. R-1822, authorizing the Mayor to execute and accept the drainage easement. If approved, the fully executed easement will be attached to the Resolution as Exhibit "A".

- D. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1823, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT, FOR AND ON BEHALF OF THE**

CITY, A DRAINAGE EASEMENT BETWEEN THE CITY OF ROSENBERG AND TESSA HOLDINGS, L.L.C., FOR DRAINAGE FACILITIES TO BE CONSTRUCTED BY THE CITY, GENERALLY LOCATED WEST OF BAMORE ROAD AND ASSOCIATED WITH THE CENTERPOINT LATERAL IMPROVEMENTS PROJECT.

Executive Summary: In order to complete the final phase of the Bamore Road Improvement Project, easements are required to accommodate the construction of an extension of the existing CenterPoint Lateral Drainage Channel. This channel provides the drainage outfall for the improvements to Bamore Road, and drains to Seabourne Creek. A drainage easement has been negotiated with the property owners Tessa Holdings, L.L.C., for this final phase of Bamore Road Improvements.

Staff recommends approval of Resolution No. R-1823, authorizing the Mayor to execute and accept the drainage easement. If approved, the fully executed easement will be attached to the Resolution as Exhibit "A".

- E. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1824, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND ACCEPT, FOR AND ON BEHALF OF THE CITY, A DRAINAGE EASEMENT BETWEEN THE CITY OF ROSENBERG AND TESSA HOLDINGS, L.L.C., FOR DRAINAGE FACILITIES TO BE CONSTRUCTED BY THE CITY, GENERALLY LOCATED WEST OF BAMORE ROAD AND ASSOCIATED WITH THE CENTERPOINT LATERAL IMPROVEMENTS PROJECT.**

Executive Summary: In order to complete the final phase of the Bamore Road Improvement Project, easements are required to accommodate the construction of an extension of the existing CenterPoint Lateral Drainage Channel and the storm sewer outfall that will connect from Bamore Road, Phase IV. This particular drainage easement has been negotiated with the property owners, Tessa Holdings, L.L.C., for the storm sewer outfall that will run along the North side of the Encapsulite tract from Bamore Road to the CenterPoint Lateral Drainage Channel.

Staff recommends approval of Resolution No. R-1824, authorizing the Mayor to execute and accept the drainage easement. If approved, the fully executed easement will be attached to the Resolution as Exhibit "A".

- F. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1830, A RESOLUTION ACKNOWLEDGING THE ACQUISITION OF A DRAINAGE EASEMENT MORE PARTICULARLY DESCRIBED AS A 0.30 ACRES TRACT OF LAND IN THE JAMES LOWERY 1/3 LEAGUE, ABSTRACT 275, CITY OF ROSENBERG, FORT BEND COUNTY, TEXAS, AND ASSOCIATED WITH THE DRY CREEK DRAINAGE IMPROVEMENTS PROJECT.**

Executive Summary: Construction plans and bid documents for the regional detention basin control structure near Ricefield Road and the Louise Street box culvert crossing improvements have been completed. The construction bid is scheduled for award by City Council on Tuesday, August 05, 2014. In order to accommodate the proposed drainage improvement project, staff was directed to secure additional drainage easement necessary for the Louise Street crossing.

Resolution No. R-1830 provides for the acknowledgment of the acquisition of a said drainage easement for the Louise Street crossing.

- G. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1787, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY AND KENDIG KEAST COLLABORATIVE FOR PROFESSIONAL PLANNING SERVICES RELATED TO THE COMPREHENSIVE PLAN IN AN AMOUNT NOT TO EXCEED \$91,860.**

Executive Summary: As discussed at the May 6 and June 24, 2014 City Council meetings, on February 11, 2014, the Professional Services/Engineering Project Review Committee recommended that Kendig Keast Collaborative be selected to update the City's Comprehensive Plan (Plan). The Plan update is a budgeted project. The Plan was last updated in 1995. Since that time, the City's population has grown by over 50 percent (50%) from 23,000 to approximately 35,000. The rate of growth has increased recently and is expected to continue given the widening of U.S. 59/I-69 and build-out of neighboring communities immediately north of Rosenberg. Therefore, it is critical for the City to plan and determine what infrastructure improvements and development standards are needed to accommodate future growth and development.

The scope of the Plan update will generally include the following per Exhibit "A", Scope of Services:

- Community Overview (e.g., data collection, analysis of existing ordinances and planning documents, demographic analysis, population projections)
- Community engagement (community workshop, facilitation of Advisory Committee meetings, use of MindMixer virtual town hall website, public hearings, engagement of Planning Commission and City Council, establishment of "guiding principles," etc.)
- Land Use and Character (infrastructure analysis, land use projections, growth and development plan/map)
- Transportation (existing thoroughfare plan analysis, consideration for bicycle and pedestrian mobility, access management analysis, updated Master Thoroughfare Plan map)
- Plan Implementation (action plan to implement the above comprehensive plan elements)

The consultant, Kendig Keast Collaborative, has extensive experience working with communities without zoning, similar to Rosenberg, to implement their plans. The above scope of work will be completed for an amount not to exceed \$91,860, which is well within the budgeted amount of \$100,000. The Professional Services Agreement with Kendig Keast Collaborative is attached to Resolution No. R-1787 as Exhibit "A". At the May 6 meeting, this item was tabled for further discussion at a Workshop. The item was subsequently placed on the June 24 Workshop Agenda for City Council to discuss the scope of the Project going forward. Staff presented additional information and the consultant answered questions posed by City Council. The general consensus of City Council at the time was to move forward with the Project. However, this item was tabled at the July 15, 2014 City Council Meeting. Staff recommends approval of Resolution No. R-1787.

H. **CONSIDERATION OF AND ACTION ON THE 10/20 YEAR WRITE OFF PER TEXAS PROPERTY TAX CODE SECTION 33.05 "LIMITATION ON COLLECTION OF TAXES".**

Executive Summary: The Finance staff received correspondence from County Tax Assessor/Collector, Patsy Schultz, requesting acknowledgement of the 10/20 Year Write Off of Property Taxes by the City Council. The total amount that is being written off per the summary is \$3,282.90, and is in accordance with the guidelines set out in the Texas Property Tax Code.

Due to the small amounts involved on these particular properties, they do not receive any attention from the delinquent tax attorneys and sit on the rolls as delinquent until they reach the statutorily determined limitation points. These amounts are taken into account each year since 97% of the total certified valuation is considered collectible and included as projected revenue.

Staff recommends that the City Council acknowledge receipt of the enclosed 10/20 Year Write Off of Property Taxes as presented in the Schultz correspondence dated July 09, 2014.

Mayor Morales stated on Item C the address included in the Agenda Packet was a physical address that is the wrong address. It is a P.O. Box but the rest of the document information is correct. The change in address will be noted in the drainage easement document.

Item G will be moved to the Regular Agenda as Item 2A.

Action: Councilor Bolf made a motion, seconded by Councilor Benton to approve Consent Agenda Items A, B, C, D, E, F, H and the changes to Item C as noted. The motion carried by a unanimous vote of those present.

REGULAR AGENDA

2A. ***This item was previously Item G on the Consent Agenda.***

CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1787, A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE, FOR AND ON BEHALF OF THE CITY, A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE CITY AND KENDIG KEAST COLLABORATIVE FOR PROFESSIONAL PLANNING SERVICES RELATED TO THE COMPREHENSIVE PLAN IN AN AMOUNT NOT TO EXCEED \$91,860.

Executive Summary: As discussed at the May 6 and June 24, 2014 City Council meetings, on

February 11, 2014, the Professional Services/Engineering Project Review Committee recommended that Kendig Keast Collaborative be selected to update the City's Comprehensive Plan (Plan). The Plan update is a budgeted project. The Plan was last updated in 1995. Since that time, the City's population has grown by over 50 percent (50%) from 23,000 to approximately 35,000. The rate of growth has increased recently and is expected to continue given the widening of U.S. 59/I-69 and build-out of neighboring communities immediately north of Rosenberg. Therefore, it is critical for the City to plan and determine what infrastructure improvements and development standards are needed to accommodate future growth and development.

The scope of the Plan update will generally include the following per Exhibit "A", Scope of Services:

- Community Overview (e.g., data collection, analysis of existing ordinances and planning documents, demographic analysis, population projections)
- Community engagement (community workshop, facilitation of Advisory Committee meetings, use of MindMixer virtual town hall website, public hearings, engagement of Planning Commission and City Council, establishment of "guiding principles," etc.)
- Land Use and Character (infrastructure analysis, land use projections, growth and development plan/map)
- Transportation (existing thoroughfare plan analysis, consideration for bicycle and pedestrian mobility, access management analysis, updated Master Thoroughfare Plan map)
- Plan Implementation (action plan to implement the above comprehensive plan elements)

The consultant, Kendig Keast Collaborative, has extensive experience working with communities without zoning, similar to Rosenberg, to implement their plans. The above scope of work will be completed for an amount not to exceed \$91,860, which is well within the budgeted amount of \$100,000. The Professional Services Agreement with Kendig Keast Collaborative is attached to Resolution No. R-1787 as Exhibit "A". At the May 6 meeting, this item was tabled for further discussion at a Workshop. The item was subsequently placed on the June 24 Workshop Agenda for City Council to discuss the scope of the Project going forward. Staff presented additional information and the consultant answered questions posed by City Council. The general consensus of City Council at the time was to move forward with the Project. However, this item was tabled at the July 15, 2014 City Council Meeting. Staff recommends approval of Resolution No. R-1787.

Key discussion points:

- Councilor Benton expressed his concern with the item and the value for the cost. Several items and tasks were pointed out as redundant and unnecessary.
- He suggested to Council to table the item at this time.
- Councilor McConathy stated that Travis Tanner, Executive Director of Community Development was not given the opportunity to answer the questions raised by Councilor Benton. She would like to hear answers to those questions before she comments.
- Travis Tanner stated Department Heads will get a copy of the plan and there will be an electronic copy on the City website. We don't have a zoning ordinance and even if the City does not have a zoning ordinance in the future we rely on performance standards in the City. We have a number of those but this plan would look at how to raise the quality of development.
- Councilor McConathy stated the Comprehensive Plan is a guide for any governing body or agency that wants to help in future planning. That is what Houston Galveston Area Council (HGAC) uses it for and a lot of municipalities come to HGAC looking for grants to do these. While she agrees with some items brought up by Councilor Benton she does like the citizen involvement which is not in place now. She would like to see what this consultant comes up with in terms of suggestions for how we as a City can grow in a non-zoned city. It doesn't mean Council has to adopt the whole plan. We can take segments and make them part of our future planning. Council would have to approve anything before it would go forward. Council would use the wisdom of the Planning Commission to get involved in those aspects of recommendation for ordinances. She has some reluctance about approving this but the benefits she sees in the plan would cause her to approve it now.
- Councilor Bolf stated she agrees with items Councilor Benton stated and items Councilor McConathy stated. She does like some of the aspects and some of the information but has some concerns about the consultant getting information from the City and staff. She wants to make sure this Council and future Councils use it and it is implemented.
- Travis Tanner stated they will have to use a lot of our existing GIS information to do this plan and they will have to look at our ordinances to make recommendations in the plan. Staff can send an email with that information.

- Councilor Pena stated he is in favor of a comprehensive plan. We have a lot of growth coming into the City. The \$91,000 is something we spend easily on roads we annex from the County. We are spending money on a lot of things that should have been spent by previous Councils. These things were neglected by previous Councils. They did not have a plan and if they had one, they didn't follow it. It takes an agency to assimilate the information in order to have a good Comprehensive Plan on where you are going. His contention is that we need to spend money if we plan to grow right. We need to look for the positive measures instead of the negative measures of things. We have a good staff and we need to utilize their abilities and knowledge. They are the ones who can tell us what we need to do. He supports the plan.
- Councilor Euton stated she agrees with all the speakers. She does not care for studies and they seem like a waste of money, but by the same token they do assimilate all the information that we have and gives it to us in a usable, concise form as a guide to use. Government is not just one person it is a lot of people. In order to keep people going in the right direction there has to be a plan to look to. It will help us as our City grows and help the City grow in a nice way where businesses and people want to come. Although she does not like spending money on surveys she would have to support this because it is out of date, but from the ordinances we have seen in parking, mobile home and apartments those guides were used in the past to set the standards we have today. She supports this measure.
- Mayor Morales stated a plan is something to work from and to get you to that end result. You have to start with a plan and you have to get input from those individuals involved. A plan is something we need to either implement as is to tweak as we go forward. We have to have a plan to start with and move forward with.

Action: Councilor McConathy made a motion, seconded by Councilor Euton to approve Resolution No. R-1787, a Resolution authorizing the City Manager to execute, for and on behalf of the City, a Professional Services Agreement by and between the City and Kendig Keast Collaborative for Professional Planning Services related to the comprehensive plan in an amount not to exceed \$91,860. **The motion carried by a vote of 5 to 1 of those present, as follows: Yeses: Mayor Morales, Councilors McConathy, Pena, Euton and Bolf. No: Councilor Benton.**

2. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1825, A RESOLUTION AWARDDING BID NO. 2014-06 FOR CONSTRUCTION OF THE DRY CREEK REGIONAL DETENTION POND PHASE I AND LOUISE STREET DRAINAGE STRUCTURE IMPROVEMENTS PROJECT; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: Bids were received on Wednesday, July 16, 2014, for the Dry Creek Regional Detention Pond Phase I and Louise Street Drainage Structure Improvements Project. A total of five (5) bids were opened and tabulated as indicated on the bid summary form. The Phase I project primarily includes construction of the regional detention basin control structure, located near Ricefield Road and the installation of an additional box culvert at the Dry Creek Louise Street crossing.

Staff recommends Bid No. 2014-06 be awarded to Lonnie Lischka, L.P., for the base bid in the amount of \$495,662.00. The correspondence from Charles Kalkomey, City Engineer, recommends same and was included in the agenda packet. Should the bid be awarded as recommended, the proposal from Lonnie Lischka, L.P., will be attached and serve as Exhibit "A" to Resolution No. R-1825. The contract time is 60 calendar days.

Staff recommends approval of Resolution No. R-1825 which will award Bid No. 2014-06 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

Key discussion points:

- John Maresh, Assistant City Manager for Public Services read the Executive Summary regarding the item.

Questions:

Q: What will happen to the dirt pulled out of the detention pool?

A: It will be stockpiled and can be purchased by the contractor.

Q: What is this project and what will it drain and what are the benefits to the City?

A: This is part of the overall drainage plan for Dry Creek. Several years ago the City purchased 90 acres of land off of Ricefield and Benton Roads and sixty to sixty-five acres was to provide detention for

the entire Dry Creek basin. This will take the entire water shed and eliminate the need for individual detention for each individual tract of land.

Q: Is there funding available for this?

A: Yes.

Action: Councilor Benton made a motion, seconded by Councilor Bolf to approve Resolution No. R-1825, a Resolution awarding Bid No. 2014-06 for construction of the Dry Creek Regional Detention Pond Phase I and Louise Street Drainage Structure Improvements Project; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried by a unanimous vote of those present.

3. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1826, A RESOLUTION AWARDBID NO. 2014-09 FOR THE BAMORE ROAD, PHASE IV PROJECT; AND, AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.**

Executive Summary: Bids were received on Wednesday, July 16, 2014, for the Bamore Road Phase IV Paving and Drainage Improvements Project. A total of two (2) bids were opened and tabulated as indicated on the bid summary form. The Phase IV project primarily includes construction of the three (3) lane concrete curb and gutter street with underground storm sewer from south of Avenue K to FM 1640 (Avenue I). The portion of Bamore Road between FM 1640 (Avenue I) and Spur 529 will be reconstructed as an asphalt roadway with open ditches. Replacement of the water lines is also included.

Staff recommends Bid No. 2014-09 be awarded to Gonzalez Construction Enterprise, Inc., for the base bid in the amount of \$851,317.67. The correspondence from Larry Janak, Project Manager, IDC Engineering, recommends same and was included in the agenda packet. Should the bid be awarded as recommended, the proposal from Gonzalez Construction Enterprise, Inc., will be attached and serve as Exhibit "A" to Resolution No. R-1826. The contract time is 210 calendar days.

Staff recommends approval of Resolution No. R-1826 which will award Bid No. 2014-09 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Euton asked if this is the same company that did Phase 3 Bamore Road project. Have they done the cleanup? She expressed concern with the cleanup along the roadway.
- Melissa Pena, Project Director stated yes. We are still using our punch list.
- Councilor Pena expressed concern and said he is not pleased with the road. He would rather spend \$400,000 more to get a better job. When we bid a job we expect professional work to be done.
- Councilor Bolf asked for the item to be tabled until the next meeting to allow Council to address their concerns.
- Councilor Benton asked if this is the same company that did Airport Road.
- Yes, it is per John Maresh.
- Charles Kalkomey, City Engineer explained there is no way to drain the road without some highs and lows.
- Councilor McConathy expressed concern with the accountability of the contract and suggested allowing the City Attorney to make sure we have a good final product. She was in favor of putting the project on hold.
- Mayor Morales stated looking at this it is done this way due to the drainage. The contractor is following the plans. He would like to move forward with the project.

Action: Councilor Benton made a motion, seconded by Councilor McConathy to defer the item until Councilors can get their questions answered and table the item until the next Council meeting. **The motion passed by a vote of 4 to 2 as follows: Yeses: Councilors Benton, McConathy, Pena and Bolf. Noes: Mayor Morales and Councilor Euton.**

4. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1827, A RESOLUTION AWARDBID NO. 2014-12 FOR THE CENTERPOINT LATERAL DRAINAGE PHASE III PROJECT; AND,**

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE, FOR AND ON BEHALF OF THE CITY, APPROPRIATE DOCUMENTS AND/OR AGREEMENTS REGARDING SAME.

Executive Summary: Bids were received on Wednesday, July 16, 2014, for the CenterPoint Lateral Extension Phase III Improvement Project. A total of six (6) bids were opened and tabulated as indicated on the bid summary form. The Phase III project primarily includes extension of the CenterPoint Lateral Drainage channel to the northern boundary of the Encapsulite tract and the construction of the Bamore Road Phase IV storm sewer drainage outfall along the northern side of the Encapsulite tract. This will serve as the connection for the Bamore Road Phase IV storm sewer drainage system to Seabourne Creek.

Staff recommends Bid No. 2014-12 be awarded to Lonnie Lischka, L.P., for the base bid in the amount of \$361,112.00. The correspondence from Charles Kalkomey, City Engineer, recommends same and was included in the agenda packet. Should the bid be awarded as recommended, the proposal from Lonnie Lischka, L.P., will be attached and serve as Exhibit "A" to Resolution No. R-1827. The contract time is 60 calendar days.

Staff recommends approval of Resolution No. R-1827 which will award Bid No. 2014-12 and provide authorization for the City Manager to negotiate and execute all required documents necessary to facilitate the Agreement.

Key discussion points:

- John Maresh read the Executive Summary regarding the item.

Questions/Comments:

- Councilor Euton expressed concern with the firm doing the other project as well. Are these projects going to be done simultaneously?
- Charles Kalkomey stated they anticipate doing the two projects at one time.
- Councilor Pena stated road engineering does not have to be radical. We as a City need to demand more of our contractors.

Action: Councilor Bolf made a motion, seconded by Councilor McConathy to approve Resolution No. R-1827, a Resolution awarding Bid No. 2014-12 for the CenterPoint Lateral Drainage Phase III Project; and, authorizing the City Manager to negotiate and execute, for and on behalf of the City, appropriate documents and/or agreements regarding same. The motion carried by a unanimous vote of those present.

5. **CONSIDERATION OF AND ACTION ON ORDINANCE NO. 2014-31, AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 29-50 OF DIVISION 1 OF ARTICLE II OF CHAPTER 29 AND SECTION 29-133 OF DIVISION 3 OF ARTICLE III OF CHAPTER 29 THEREOF, ESTABLISHING RATES AND CHARGES FOR WATER AND SANITARY SEWER SERVICES; PROVIDING AN EFFECTIVE DATE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

Executive Summary: At the City Council Workshop on June 24, 2014, staff presented revised subsidence fees and sewer rates. Staff recommends that the subsidence fee increase each year until 2016, at which time operational costs can be more closely projected and the subsidence rate can be adjusted accordingly. The recommended rate for FY2015 is to increase from \$1.20 per 1,000 gallons to \$1.40 per 1,000 gallons.

The water rates are adequate to cover the cost of providing water service to customers. Staff recommends leaving the water rates at the current level until 2016 at which time we can reevaluate the rates and adjust them in coordination with the subsidence fees.

Staff recommends that the sewer rates increase slightly so that the sewer revenues can adequately cover the costs of providing the service. Water rates are still subsidizing the sewer expenses. For FY2015, staff recommends increasing the consumption rate from \$2.97 to \$3.10 for each 1,000 gallons used over the first 2,000 gallons. This increase will be minimal to residential customers and commercial/industrial users. A low usage residential customer (3,000 gallons per month) would receive a \$0.13 per month increase. Any residential customer using 5,000 gallons would receive a \$0.39 per month increase and those using greater than 12,000 gallons per months would receive the maximum residential increase of \$1.30 per month. A commercial/industrial customer using 50,000 or 100,000 gallons would receive a \$6.24 or \$12.74 per month increase.

Staff recommends approval of Ordinance No. 2014-31 effective January 01, 2015, to accommodate a 30-day notification to the Municipal Utility Districts pursuant to the various Agreements with the City.

Key discussion points:

- Joyce Vasut, Executive Director of Administrative Services read the Executive Summary regarding the item.

Action: Councilor Pena made a motion, seconded by Councilor Bolf to approve Ordinance No. 2014-31, an Ordinance amending the Code of Ordinances by amending Section 29-50 of Division 1 of Article II of Chapter 29 and Section 29-133 of Division 3 of Article III of Chapter 29 thereof, establishing rates and charges for water and sanitary sewer services; providing an effective date; providing a penalty in an amount not to exceed \$2,000 for violation of any provision hereof; and providing for severability. **The motion carried by a vote of 5 to 1 as follows: Yeses: Mayor Morales, Councilors McConathy, Pena, Euton and Bolf. No: Councilor Benton.**

6. **CONSIDERATION OF AND ACTION ON RESOLUTION NO. R-1829, A RESOLUTION ESTABLISHING RATES FOR SOLID WASTE COLLECTION AND DISPOSAL FOR RESIDENTIAL AND COMMERCIAL SERVICES, AND PROVIDING A DISCOUNTED RATE FOR SENIORS.**

Executive Summary: At the June 24, 2014 City Council Workshop Meeting, the general consensus of City Council was to approve Republic Services' rate increase to the City of 1.64%. As this increase only impacts the amount charged to the City for solid waste service, City staff recommends the adjustment of the monthly fees charged to residents in order to recoup the revenue lost as a result of Republic's rate increase.

RESIDENTIAL

With City Council approval, the monthly rate for the once-per-week services per residential customer will be \$15.40 or \$14.63 for residents over age sixty-five (65). The new rate would begin October 01, 2014.

COMMERCIAL

The proposed rates for commercial solid waste service are included in Exhibit "A" to Resolution No. R-1829 in the commercial solid waste fee schedule.

Staff recommends approval of Resolution No. R-1829 as presented.

Key discussion points:

- Jeff Trinker, Executive Director of Support Services read the Executive Summary.

Questions/Comments:

- Councilor Euton stated if there is a Council approved rate increase we don't have a choice in the rate increase.
- Councilor Bolf asked if this is for one year.
- Jeff Trinker explained the first two years of the contract the rates did not change. Every year afterwards, rates will increase for years 3, 4 and 5.
- Councilor Benton stated that Republic did a great job of explaining this. He should have asked why we don't have recycling at businesses.
- Jeff Trinker stated commercial recycling would be a separate fee. It is not included as a standard part of the contract.

Action: Councilor Bolf made a motion, seconded by Councilor Pena to approve Resolution No. R-1829, a Resolution establishing rates for Solid Waste Collection and Disposal for Residential and Commercial Services, and providing a discounted rate for seniors. The motion carried by a unanimous vote of those present.

7. **HOLD EXECUTIVE SESSION PURSUANT TO SECTIONS 551.071 AND 551.072 OF THE TEXAS GOVERNMENT CODE TO RECEIVE LEGAL ADVICE FROM THE CITY ATTORNEY CONCERNING CONTEMPLATED LITIGATION, AND TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY, NAMELY SEABOURNE CREEK PARK.**

Action: Councilor Benton made a motion, seconded by Councilor McConathy to adjourn for Executive Session at 8:21 p.m. The motion carried by a unanimous vote of those present.

An Executive Session was held pursuant to Sections 551.071 and 551.072 of the Texas Government

Code to receive legal advice from the City Attorney concerning contemplated litigation, and to deliberate the purchase, exchange, lease or value of real property, namely Seabourne Creek Park.

8. **ADJOURN EXECUTIVE SESSION, RECONVENE INTO REGULAR SESSION, AND TAKE ACTION AS NECESSARY AS A RESULT OF EXECUTIVE SESSION.**

Mayor Morales adjourned the Executive Session and reconvened into Regular Session at 8:55 p.m. The following motion was made.

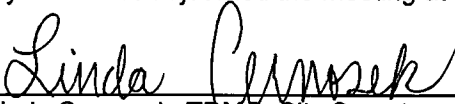
Action: Councilor McConathy made a motion, seconded by Councilor Bolf to direct staff to negotiate a donation to Texas Department of Transportation (TXDOT) of a strip of land along FM 2218 to enable TXDOT to create a turn lane, a median cut and at least a three lane entry-exit access point into the Seabourne Creek Park facilities. The motion carried by a unanimous vote of those present.

9. **ANNOUNCEMENTS.**

- Councilor Bolf will hold a Town Hall Meeting at Calvary Baptist Church on Thursday, August 7, 2014.
- The Ice Water Challenge will be held tomorrow, Wednesday, August 6, 2014 at 3:30 p.m. at the Police Department.

10. **ADJOURNMENT.**

There being no further business Mayor Morales adjourned the meeting at 8:55 p.m.


Linda Cernosek, TRMC, City Secretary